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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 09/513,960  | 02/28/2000  | Joel Frederic Plotkin | EJOU0010U/US        | 9067             |
| 31518   | 7590        | 01/13/2004            | EXAMINER            |                  |
| NEIFELD IP LAW, PC<br>2001 JEFFERSON DAVIS HIGHWAY<br>ARLINGTON, VA 22202 |             |                       | ART UNIT            | PAPER NUMBER     |

DATE MAILED: 01/13/2004

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| EXAMINER |
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| ART UNIT | PAPER |
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Commissioner for Patents

See attached notice.

Art Unit: 3629

Appellant's Appeal Brief is defective because it includes amended versions of claims which were not previously entered and examined on the merits.

MPEP 1207 States: "Entry of a new amendment, new affidavit or new evidence in an application on appeal is not a matter of right."

Since applicant's amended version of claims have not been previously entered, and are not entered on appeal as a matter of right, they cannot be entered with the appeal brief. Appellant is required to submit a new brief that only includes and addresses the version of the claims that existed at the time of Examiner's last office action.

Applicant has a shortened statutory period of 30 days to reply. Extension of time may be granted.

Any inquiry concerning this communication should be directed to Igor Borissov at telephone number (703) 305-4649.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John Weiss, can be reached at (703) 308- 2702.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks***

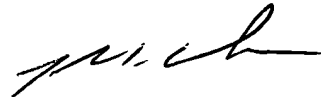
Art Unit: 3629

***Washington D.C. 20231***

or faxed to:

**(703) 872-9306** [Official communications; including After Final  
communications labeled "Box AF"]

Hand delivered responses should be brought to Crystal Park 5, 2451  
Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



**JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**